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kmorell@balljanik.com

February 14, 2013

BY HAND DELIVERY

Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

Re: Docket No. AB 6 (Sub-No. 487X), BNSF Railway Company --
Abandonment Exemption -- In Cook County, Illinois

Dear Ms. Brown:

Attached for filing are the original and ten copies of a Notice of
Exemption under 49 C.F.R. § 1152.50. Also attached is a check
covering the \$3,700 filing fee.

If you have any questions, please call me.

Sincerely,

Karl Morell
Of Counsel

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FEB 14 2013

**SURFACE
TRANSPORTATION BOARD**

Enclosures

cc: James P. Casey, ICMP Federal Consistency Coordinator

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**SURFACE
TRANSPORTATION BOARD**

1

Portland, Oregon

Bend, Oregon

Seattle, Washington

Washington, DC

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BEFORE THE
SURFACE TRANSPORTATION BOARD

BNSF RAILWAY COMPANY)
ABANDONMENT EXEMPTION)
IN COOK COUNTY, ILLINOIS)

DOCKET NO. AB 6
(SUB-NO. 487X)

NOTICE OF EXEMPTION

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BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

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SURFACE
TRANSPORTATION BOARD

Tyler White
Assistant General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131-2828
(817) 352-2687

Karl Morell
Of Counsel
BALL JANIK LLP
Suite 225
655 Fifteenth Street, N.W.
Washington, D.C 20005
(202) 638-3307

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SURFACE
TRANSPORTATION BOARD

Dated: February 14, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY)	
ABANDONMENT EXEMPTION)	DOCKET NO. AB 6
IN COOK COUNTY, ILLINOIS)	(SUB-NO. 487X)

NOTICE OF EXEMPTION

BNSF Railway Company ("**BNSF**") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon 1.1 miles of rail line as follows. (1) approximately 0.50 miles of track ("Sangamon Street Line") from south of Western Avenue Yard at 16th Street (Station 186+79) and extending to the red board south of Cullerton Street (Station 163+50); and (2) approximately 0.60 miles of track ("Lumber Street Line") from West Cermak Road, at the Colonial Brick switch (Station 157+65), and extending to the end of the line on Lumber Street (Station 197+81), in Chicago, Cook County, Illinois (collectively, the "Line"). There are no stations located on the Line.

1. *Proposed consummation date.*

The proposed consummation date is 50 days after the date of filing of this Notice of Exemption.

2. *Certification required by 49 C.F.R. § 1152.50(b).*

The required certification is attached hereto as **Exhibit A**.

3. ***Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).***

(a) ***General.***

(1) ***Exact name of applicant.***

BNSF Railway Company

(2) ***Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.***

BNSF is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) ***Relief sought.***

BNSF seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon 1.1 miles of rail line as follows: (1) approximately 0.50 miles of track ("Sangamon Street Line") from south of Western Avenue Yard at 16th Street (Station 186+79) and extending to the red board south of Cullerton Street (Station 163+50) and (2) approximately 0.60 miles of track ("Lumber Street Line") from West Cermak Road, at the Colonial Brick switch (Station 157+65), and extending to the end of the line on Lumber Street (Station 197+81), in Chicago, Cook County, Illinois. There has been no local or overhead freight rail traffic on the Line in over 10 years.

(4) ***Map.***

A map of the Line is attached as Exhibit B.

(7) ***Name, title and address of representative of applicant to whom correspondence should be sent.***

Karl Morell
Of Counsel
BALL JANIK LLP
Suite 225
655 Fifteenth Street, N.W.
Washington, D.C. 20005

- (8) ***List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses.***

The Line traverses U.S. ZIP codes: 60608 and 60616.

- (e) ***Rural and community impact.***

- (4) ***Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.***

The Line traverses downtown city streets in Chicago, IL, with more than adequate road and highway networks; therefore, there is little or no likelihood that the rail corridor is needed for transit purposes. Most of the right-of-way is reversionary.

4. *The level of labor protection.*

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

5. *Certification.*

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as **Exhibit C**.

6. *Environmental Report.*


The Environmental Report containing information required by 49 C.F. R § 1105.7(e) was submitted to the Board on January 25, 2013. Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

7. *Historic Report.*

The Historic Report containing information required by 49 C.F.R. § 1105.8 was submitted to the Board on January 25, 2013.

Respectfully submitted,

Tyler White
Assistant General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131-2828
(817) 352-2687



Karl Morell
Of Counsel
BALL JANIK LLP
Suite 225
655 Fifteenth Street, N.W
Washington, D.C. 20005
(202) 638-3307

Dated: February 14, 2013

EXHIBIT A

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF TEXAS)
)
) **ss.**
TARRANT COUNTY)

I, Michael Yuen, being duly sworn depose and state that I am Manager Network Strategy for BNSF Railway Company ("**BNSF**"), that I am authorized to make this verification and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information and belief.

I hereby certify that no local traffic has been handled to or from any customer over the rail lines located as follows: (1) approximately 0.50 miles of track ("Sangamon Street Line") from south of Western Avenue Yard at 16th Street (Station 186+79) and extending to the red board south of Cullerton Street (Station 163+50), and (2) approximately 0.60 miles of track ("Lumber Street Line") from West Cermak Road, at the Colonial Brick switch (Station 157+65), and extending to the end of the line on Lumber Street (Station 197+81)(collectively the "Line"), in Chicago, Cook County, Illinois in over 10 years. Also, no overhead traffic has been handled on the Line in over 10 years. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period

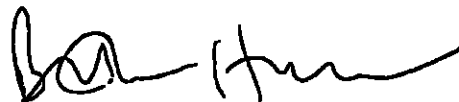
The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.



Michael Yuen
Manager Network Strategy

SUBSCRIBED AND SWORN TO before me this ____ day of February 14, 2013.

My Commission Expires: _____



Notary Public

EXHIBIT B



Cursor Position 41° 51' 56.163" N 87° 39' 19.693" W Scale 1:618,056

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 487X) was mailed via first class mail on January 25, 2013, to the following parties

State Public Service Commission

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

Military Traffic Management Command

MTMCTEA
ATTN: SDTE-SE
Railroads for National Defense
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

National Park Service

U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

Mr. Michael Reynolds, Regional Dir.
Midwest Region
National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, SW
Washington, DC 20250

Dated: February 14, 2013


Karl Morell

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 487X) was published on February 1, 2013, in the Daily Herald, a newspaper of general circulation in Cook County, Illinois as required by 49 C.F.R. § 1105.12.

Dated. February 14, 2013


Karl Morell

**CERTIFICATE OF SERVICE
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that, in Docket No. AB 6 (Sub-No. 487X) the transmittal letter required by 49 C.F.R. § 1105.11, was mailed to all agencies listed in 49 C.F.R. § 1105.7(b), as well as the additional agencies listed below via first class mail on January 25, 2013.

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 1105.8, the undersigned hereby certifies that copies of the Environmental and Historic Reports were mailed via first class mail on January 25, 2013 to the following agencies

Ms Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

Eastern States Office
Bureau of Land Management
7450 Boston Boulevard
Springfield, VA 22153-3121

Chicago Plan Commission
City Hall
121 N. LaSalle Street
Chicago, Illinois 60602

Cook County
Planning and Development
69 W. Washington, Suite 2900
Chicago, Illinois 60602

The National Geodetic Survey
Department of Commerce/NOAA
SSMC3
Station 9356
1315 East West Highway
Silver Spring, MD 20910

Mr. James P Casey
Illinois Office of Water Resources
160 N. LaSalle St, Suite S-703
Chicago, Illinois 60601

US EPA Region 5
Attn: Ken Westlake
Ralph Metcalfe Federal Building
77 West Jackson Blvd
Chicago, Illinois 60604-3590

U.S. Fish and Wildlife Service
Chicago Illinois Field Office
1250 South Grove, Suite 103
Barrington, Illinois 60010

Mr Michael Reynolds, Regional Director
National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

NRCS Illinois State Office
2118 W Park Court
Champaign, Illinois 61821

Anne E Haaker
Deputy State Historic Preservation Officer
Illinois Historic Preservation Agency
1 Old State Capitol Plaza
Springfield, IL 62701-1512

U.S. Army Corps of Engineers
Chicago District
111 N. Canal Street
Chicago, IL 60606-7206

Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, IL 62764-0001

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

Dated: February 14, 2013



Karl Morell